

Complaint No.8/2555: Rights in the judicial process - A case of victim being persecuted, arrested and beaten by police officers from Baan Haed Police Station

Mr. Anek Armatyaphol made a complaint to the NHRCT that on 16th November 2011, police officers from Baan Haed Police Station came to search the complainant's house without a search warrant. The complainant was arrested and taken to Baan Haed Police Station without informing him any charge, and then physically assaulted to force him to confess. The complainant then petitioned the NHRCT to conduct investigation.

The NHRCT had considered facts from investigation based on the words of law and saw that this case of complaint can be divided into four issues of investigation.

Issue No.1: Did police officers from Baan Haed Police Station do or do not do anything that was violation of human rights in case that the complainant had been detained without charge? When the facts were considered together with evidence from the investigation, it was believed that police officers from Baan Haed Police Station had arrested the complainant on 16th November 2011 without informing the complainant any charge immediately when he was taken to office of inquiry officials. In addition, a fact was established that police officers in the team that made the arrest were not officers who had authority under the Narcotics Control Act 1976 to arrest and hold any person for investigation before handing to inquiry officials. The complainant was then detained beyond necessity according to circumstance of the case and beyond a period of time as determined by law, which was restriction of the complainant's rights and liberty and violation of human rights.

Issue No.2: Did police officers from Baan Haed Police Station do or do not do anything that was violation of human rights in case that the complainant's house was searched without search warrant? From checking relevant facts, it was found that the police officers had evidence in form of bank notes they had used to trick and buy narcotic drug from the complainant. It is therefore believed that the police officers used spies to really trick and buy narcotic drug from the complainant. As this happened, searching the complainant's house to look for more narcotic drugs additional to those obtained from the tricked purchase could be done by police officers without requiring search warrant from the court.

Issue No.3: Did police officers from Baan Haed Police Station do or do not do anything that was violation of human rights in case that the complainant's properties were seized for personal benefits?

Issue No.4: Was the complainant hurt by the team of police officers who had made the arrest while being detained? It is seen here that allegations made by the complainant in issue No.3 and No.4 are not supported by enough evidence.

After considering all these issues, the NHRCT sees it appropriate to come up with measures to solve these problems and prevent human rights violation and propose them to the Royal Thai Police to consider actions taken by police officers involved in arresting the complainant and detaining him longer than a period of time specified by law. The NHRCT also informed the NPO about its officers using the method of tempting the suspects to buy illegal things in order to make an arrest, so that it would know and be careful about its operation to prevent similar problems to occur again. Office of the NHRCT is required to follow-up and monitor results of these actions within 60 days after receiving this report.